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GP2 J. Douglas
6/21/99
(N.E.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

GERRIT J. KEESMAN

PHB 33,946A

RECEIVED

Serial No. 08/901,338

Group Art Unit: 2713JUN 18 1999

Filed: July 28, 1997

Examiner: A. Rao Group 2700

BUFFER MANAGEMENT IN VARIABLE BIT-RATE COMPRESSION SYSTEM

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

AMENDMENT UNDER 37 CFR 1.116

This Amendment is submitted in response to the outstanding Office Action dated February 2, 1999 wherein the Examiner finally rejected claims 1-12 and 14. Reconsideration of the rejection in view of the following remarks is respectfully requested.

The rejection under 35 U.S.C. 102.

The Examiner rejected claims 1-12 and 14 as being anticipated by Kiriya. The Examiner stated that the inverse relationship between the buffer writing bit rate (B1) and the buffer read out bit rate (B2) is derivable from the constant delay criteria from paragraph 2 of col. 10 of Kiriya:

Encoder delay (ED) + buffer readout delay (BD) = THV
(Constant).

Applicant respectfully traverses this rejection on the grounds that B1 and B2 in Kiriya are proportionally related to each other rather than being related INVERSELY as is recited in Applicant's claims.

As stated above, the Examiner is suggesting that the inverse relationship between the buffer writing bit rate (B1) and the buffer read out bit rate (B2) is derivable from the constant delay criteria from paragraph 2 of col. 10 Kiriyama:

Encoder delay (ED) + buffer readout delay (BD) = THV
(Constant).

In support of this, the Examiner states that "there is a direct correlation of the ?? (missing words) with this timing manipulation to the 'bit-rates'", but the correlation is never explained.

It is agreed that in the apparatus of Kiriyama, the encoder delay is inversely related to the buffer readout delay. However, considering the correlation between the encoder and buffer time delays (ED and BD) and the bit rates (B1 and B2) which the Examiner relies on, the bit-rates of Kiriyama are related proportionally :

Presumably, the encoder time delay is related to the amount of encoding actually done, i.e. ED is related to B1 (but not inversely).

The buffer readout delay is INVERSELY related to the buffer read out bit rate, i.e. BD is inversely related to B2.

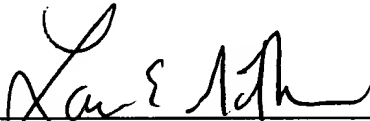
Therefore, in the apparatus of Kiriyama, if ED is inversely related to BD, B1 is proportional to B2 (i.e. not inversely related). Perhaps it is useful to think of it as two inverse relationships canceling each other out:

Eg. ED↑ BD↓
 ED↑ B1↑
 BD↑ B2 ↓
 ∇ B2 ↓ ⇒ BD↑ ⇒ ED ↓ ⇒ B1↓

which shows that B1 and B2 of Kiriya are related proportionally rather than inversely.

Accordingly, Applicant respectfully submits that because Applicant's claims state that the first and second bit rates are inversely related, Applicant's claims are allowable over the references of record. Therefore, entry of this amendment reconsideration of the rejection and allowance of all the claims is respectfully requested.


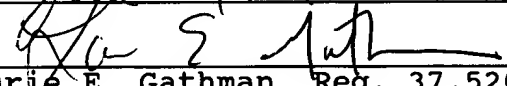
Respectfully submitted,

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June 11, 1999

CERTIFICATE OF MAILING

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

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On  11, 1999
By 
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